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LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 02/18/2020 | . | |
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The Committee on Agriculture (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 331 - 568

and insert:

(a) In order to obtain an annual or a temporary amusement ride permit, an amusement ride must be inspected by the department.

~~1. A in accordance with subsection (11) and receive an inspection certificate. In addition, each permanent amusement ride must be inspected semiannually by the department in accordance with subsection (11) and receive an inspection~~



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12 ~~certificate, and each temporary amusement ride must be inspected~~
13 ~~by the department in accordance with subsection (11), and must~~
14 ~~receive an inspection certificate each time the ride is set up~~
15 ~~or moved to a new location in this state unless the temporary~~
16 ~~amusement ride is exempt from the required inspection if it is:~~

17 ~~a.1. Used at a private event;~~

18 ~~b.2. A simulator, the capacity of which does not exceed 16~~
19 ~~persons; or~~

20 ~~c.3. A kiddie ride used at a public event, provided that~~
21 ~~not there are no more than three amusement rides are at the~~
22 ~~event, ~~none of~~ the kiddie rides at the event do not exceed~~
23 ~~exceeds a capacity of 12 persons, and the kiddie ride passed a~~
24 ~~department inspection and was issued a permit ~~has an inspection~~~~
25 ~~certificate that was issued within the preceding 6 months. The~~
26 ~~capacity of a kiddie ride shall be determined by department rule~~
27 ~~of the department, unless the capacity of the ride has been~~
28 ~~determined and specified by the manufacturer. Any owner or~~
29 ~~manager of a kiddie ride operating under this exemption is~~
30 ~~responsible for ensuring that not no more than three amusement~~
31 ~~rides are operated at the event. The department shall inspect~~
32 ~~permanent amusement rides 6 months after the issuance of the~~
33 ~~annual permit.~~

34 ~~2.(b) The required inspection may be waived for a permanent~~
35 ~~amusement ride if it was inspected and certified by an~~
36 ~~accredited trade organization as defined by department rule ~~To~~~~
37 ~~obtain a department inspection for an amusement ride, the owner~~
38 ~~must submit to the department on a form prescribed by rule of~~
39 ~~the department a written Request for Inspection. The owner must~~
40 ~~provide the following information to the department:~~



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41 ~~1. The legal name, address, and primary place of business~~
42 ~~of the owner.~~

43 ~~2. A description, manufacturer's name, serial number, model~~
44 ~~number, and the United States Amusement Identification Number,~~
45 ~~if previously assigned, of the amusement ride.~~

46 ~~3. For a temporary amusement ride, for each time the~~
47 ~~amusement ride is set up or moved to a new location, the date of~~
48 ~~first intended use at the new location and the address or a~~
49 ~~description of the new location.~~

50 ~~(c) For permanent amusement rides, the request for~~
51 ~~inspection must be received by the department at least 15 days~~
52 ~~before the owner's planned opening date or at least 15 days~~
53 ~~before the expiration of the prior inspection certificate. If~~
54 ~~the request for inspection is received less than 15 days before~~
55 ~~the owner's planned opening date or less than 15 days before the~~
56 ~~expiration of the prior inspection certificate, the department~~
57 ~~may nevertheless inspect the amusement ride and charge a late~~
58 ~~fee, as set by rule of the department.~~

59 ~~(d) For temporary amusement rides, the request for~~
60 ~~inspection must be received by the department for each time the~~
61 ~~amusement ride is set up or moved to a new location at least 14~~
62 ~~days before the date of first intended use at the new location.~~
63 ~~If the request for inspection is received less than 14 days~~
64 ~~before the date of first intended use at the new location, the~~
65 ~~department may nevertheless inspect the amusement ride and~~
66 ~~charge a late fee, as set by rule of the department.~~

67 ~~(b)(e) Inspections must will be assigned on a first-come,~~
68 ~~first-served first come, first served basis, and overflow~~
69 ~~requests must will be scheduled on the closest date to the date~~



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70 for which the inspection was requested.

71 ~~(c)-(f)~~ Upon failure of an amusement ride to pass any
72 department inspection, the owner or manager may request
73 reinspection, which must ~~shall~~ be submitted in writing to the
74 department on a form prescribed by department rule ~~of the~~
75 ~~department~~. The department shall reinspect the amusement ride as
76 soon as practicable after ~~practical following~~ receipt of the
77 written request for reinspection and any applicable reinspection
78 fees set by department rule ~~of the department~~. Inspections must
79 ~~will~~ be assigned on a first-come, first-served ~~first come, first~~
80 ~~served~~ basis, and the overflow requests must ~~will~~ be scheduled
81 on the closest date to the date for which the inspection was
82 requested.

83 ~~(g) If the amusement ride passes inspection and the owner~~
84 ~~pays the applicable fee set by rule of the department, the~~
85 ~~department shall issue an inspection certificate on a form~~
86 ~~prescribed by rule of the department.~~

87 ~~(h) The inspection certificate must contain the date of~~
88 ~~inspection, the site of the inspection, and the name of the~~
89 ~~inspector.~~

90 ~~(i) The inspection certificate is valid only for the site~~
91 ~~stated on the inspection certificate. The inspection certificate~~
92 ~~is valid for a period of not more than 6 months from the date of~~
93 ~~issuance, and is not transferable.~~

94 ~~(j) The inspection certificate must be displayed on the~~
95 ~~amusement ride at a place readily visible to patrons of the~~
96 ~~amusement ride.~~

97 ~~(d)-(k)~~ If the owner or manager fails to timely cancel a
98 scheduled Request ~~for~~ inspection, requests holiday or weekend



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99 inspections, or is required to have a replacement USAID plate
100 issued by the department, the owner or manager may be charged an
101 appropriate fee to be set by department rule ~~of the department~~.

102 (e) In order to align inspection dates at permanent
103 facilities, the department may shorten or extend the 6-month
104 inspection interval. Fees for rides with shortened inspection
105 intervals must be prorated. Extensions of inspection intervals
106 may not exceed 2 months.

107 (9) ~~(8)~~ FEES.-

108 (a) The department shall ~~by rule~~ establish by rule fees to
109 cover the costs and expenditures associated with the fair rides
110 inspection program, including all direct and indirect costs. If
111 the Legislature does not appropriate there is not sufficient
112 general revenue sufficient to cover such costs and expenditures
113 appropriated by the Legislature, the industry shall pay ~~for~~ the
114 remainder remaining cost of the program. The fees must be
115 deposited in the General Inspection Trust Fund.

116 (b) An ~~Any~~ owner or manager of an amusement ride who has
117 not paid ~~all~~ the fees required under this section or who has any
118 unpaid fine outstanding under this section may not operate any
119 amusement ride in this state until the fees or ~~and~~ fines have
120 been paid to the department.

121 (10) ~~(9)~~ INSURANCE REQUIREMENTS.-

122 (a) An owner or manager may not operate an amusement ride
123 unless the owner or manager has in effect at all times of
124 operation an insurance policy in an amount of at least \$1
125 million per occurrence, \$1 million in the aggregate, which
126 insures the owner or manager of the amusement ride against
127 liability for injury to persons arising out of the use of the



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128 amusement ride.

129 (b) The policy must be procured from an insurer that is
130 licensed to transact business in this state or that is approved
131 as a surplus lines insurer.

132 (c) ~~The insurance requirements imposed under~~ This
133 subsection does ~~de~~ not apply to a governmental entity that is
134 covered under ~~by the provisions of~~ s. 768.28(16).

135 (11) ~~(10)~~ EXEMPTIONS.—

136 (a) This section does not apply to:

137 1. Permanent facilities that employ at least 1,000 full-
138 time employees and that maintain full-time, in-house safety
139 inspectors. However ~~Furthermore~~, the permanent facilities must
140 file an affidavit of the annual inspection with the department,
141 on a form prescribed by department ~~of the department~~.
142 ~~Additionally, The department of Agriculture and Consumer~~
143 ~~Services~~ may consult annually with the permanent facilities
144 regarding industry safety programs.

145 2. Any playground operated by a school, a local government,
146 or a business licensed under chapter 509, if the playground is
147 an incidental amenity and the operating entity is not primarily
148 engaged in providing amusement, pleasure, thrills, or
149 excitement.

150 3. ~~Museums or other institutions principally devoted to the~~
151 ~~exhibition of products of agriculture, industry, education,~~
152 ~~science, religion, or the arts.~~

153 4. ~~Conventions or trade shows for the sale or exhibit of~~
154 ~~amusement rides if there are a minimum of 15 amusement rides on~~
155 ~~display or exhibition and if any operation of such amusement~~
156 ~~rides is limited to the registered attendees of the convention~~



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157 ~~or trade show.~~

158 ~~5.~~ Skating rinks;~~;~~ arcades;~~;~~ laser or paint ball war
159 games;~~;~~ bowling alleys;~~;~~ miniature golf courses;~~;~~ mechanical
160 bulls;~~;~~ inflatable rides;~~;~~ trampolines;~~;~~ ball crawls;~~;~~ exercise
161 equipment;~~;~~ jet skis;~~;~~ paddle boats;~~;~~ airboats;~~;~~ helicopters;~~;~~
162 airplanes;~~;~~ parasails;~~;~~ hot air or helium balloons, whether
163 tethered or untethered;~~;~~ theatres;~~;~~ batting cages;~~;~~ stationary
164 spring-mounted fixtures;~~;~~ rider-propelled merry-go-rounds;~~;~~
165 games;~~;~~ side shows;~~;~~ live animal rides;~~;~~ or live animal shows.

166 ~~4.6.~~ Go-karts operated in competitive sporting events if
167 participation is not open to the public.

168 (b) All of the following are exempt from subsections (5),
169 (6), (8) and (9), but may be inspected by the department
170 following a complaint or pursuant to an accident that is
171 required to be reported under subsection (15), and such
172 exemption may be removed if the exempted amusement ride is found
173 to have been operating in a manner or circumstance that presents
174 a risk or resulted in a serious injury to patrons:

175 1. Museums or other institutions principally devoted to the
176 exhibition of products of agriculture, industry, education,
177 science, religion, or the arts.

178 2. Conventions or trade shows for the sale or exhibit of
179 amusement rides if there are a minimum of 15 amusement rides on
180 display or exhibition and if any operation of such amusement
181 rides is limited to the registered attendees of the convention
182 or trade show.

183 ~~3.7.~~ Nonmotorized playground equipment that is not required
184 to have a manager.

185 ~~4.8.~~ Coin-actuated amusement rides designed to be operated



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186 by depositing coins, tokens, credit cards, debit cards, bills,
187 or other cash money and which are not required to have a
188 manager, and which have a capacity of six persons or less.

189 ~~5.9.~~ Facilities described in s. 549.09(1) (a) when such
190 facilities are operating cars, trucks, or motorcycles only.

191 ~~6.10.~~ Battery-powered cars or other vehicles that are
192 designed to be operated by children 7 years of age or under and
193 that cannot exceed a speed of 4 miles per hour.

194 ~~7.11.~~ Mechanically driven vehicles that pull train cars,
195 carts, wagons, or other similar vehicles, that are not confined
196 to a metal track or confined to an area but are steered by an
197 operator and do not exceed a speed of 4 miles per hour.

198 ~~8.12.~~ A water-related amusement ride operated by a business
199 licensed under chapter 509 if the water-related amusement ride
200 is an incidental amenity and the operating business is not
201 primarily engaged in providing amusement, pleasure, thrills, or
202 excitement and does not offer day rates.

203 ~~9.13.~~ An amusement ride at a private, membership-only
204 facility if the amusement ride is an incidental amenity and the
205 facility is not open to the general public; is not primarily
206 engaged in providing amusement, pleasure, thrills, or
207 excitement; and does not offer day rates.

208 ~~10.14.~~ A nonprofit permanent facility registered under
209 chapter 496 which is not open to the general public.

210 ~~(c) (b)~~ The department may, ~~by rule,~~ establish by rule
211 exemptions from this section for specific rides or types of
212 rides nonmotorized or human-powered amusement rides or coin-
213 actuated amusement rides.

214 ~~(12) (11)~~ INSPECTION STANDARDS.—An amusement ride must



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215 conform to ~~and must be inspected by the department in accordance~~
216 ~~with~~ the following standards:

217 (a) All mechanical, structural, and electrical components
218 that affect patron safety must be in good working order.

219 (b) All control devices, speed-limiting devices, brakes,
220 and safety equipment ~~designated by the manufacturer~~ must be in
221 good working order.

222 (c) Parts must be properly aligned, ~~and they~~ may not be
223 bent, distorted, cut, or otherwise injured to force a fit. Parts
224 requiring lubrication must be lubricated in the course of
225 assembly. Fastening and locking devices must be installed when
226 ~~where~~ required for safe operation.

227 (d) ~~Before being used by the public,~~ An amusement ride must
228 be placed or secured with blocking, cribbing, outriggers, guys,
229 or other means so as to be stable under all operating
230 conditions.

231 (e) Areas in which patrons may be endangered by the
232 operation of an amusement ride must be fenced, barricaded, or
233 otherwise effectively guarded against inadvertent contact.

234 (f) Machinery used in or with an amusement ride must be
235 enclosed, barricaded, or otherwise effectively guarded against
236 inadvertent contact.

237 (g) An amusement ride powered so as to be capable of
238 exceeding its maximum safe operating speed must be provided with
239 a maximum-speed-limiting device.

240 (h) The interior and exterior parts of all patron-carrying
241 amusement rides with which a patron may come in contact must be
242 smooth and rounded and free from sharp, rough, or splintered
243 edges and corners, and from ~~with no~~ projecting studs, bolts, and



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244 screws~~7~~ or other projections that ~~which~~ might cause injury.

245 (i) Signs that advise or warn patrons of age restrictions,
246 size restrictions, health restrictions, weight limitations, or
247 any other special consideration or use restrictions required or
248 recommended for the amusement ride by the manufacturer must
249 ~~shall~~ be prominently displayed at the patron entrance of each
250 amusement ride.

251 (j) All amusement rides presented for inspection as ready
252 for operation or in operation must comply with this section and
253 department rule ~~the rules adopted hereunder~~.

254 (k) A sign containing the toll-free number of the
255 department and informing patrons that they may contact the
256 department with complaints or concerns regarding the operation
257 of amusement rides must be posted in a manner conspicuous to the
258 public at each entrance of a temporary amusement ride facility.
259 The

260
261 ===== T I T L E A M E N D M E N T =====

262 And the title is amended as follows:

263 Delete lines 13 - 15

264 and insert:

265 providing exemptions from provisions relating to
266 permits, testing, inspections, and fees for certain
267 museums, institutions, specific ride types, and
268 facilities; authorizing the department to establish
269 exemptions from safety standards for specific rides
270 and types of rides; revising inspection standards for
271 amusement